

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AALIYAH ZAKAT,

Plaintiff,

v.

PATRICK R DONAHOE,

Defendant.

CASE NO. C12-2252 MJP

ORDER ON SUMMARY
JUDGMENT

The Court has received and reviewed Defendant's Motion for Summary Judgment (Dkt. No. 26), the accompanying exhibits and declarations (Dkt. Nos. 27 and 28) and Defendant's Notice to Plaintiff re Motion for Summary Judgment (Dkt. No. 28). Plaintiff has submitted no briefing in response to the motion.

Plaintiff instituted this action against the Postmaster General of the United States Postal Service, alleging wrongful termination, harassment and mail tampering. Dkt. No. 7. Defendant seeks summary judgment on the grounds that Plaintiff has failed to exhaust her administrative remedies with respect to her Title VII claims, and additionally because her mail tampering claim

1 is precluded under the Federal Tort Claims Act (which exempts claims “arising out of the loss,
2 miscarriage, or negligent transmission of letters or postal matter”). 28 U.S.C. § 2680(b).

3 Despite a notice from Defendant clearly spelling out for Plaintiff the effect of a summary
4 judgment ruling, her obligations regarding motions practice, and the consequences of a non-
5 response (Dkt. No. 28), Ms. Zakat has failed to file any responsive briefing. Under the local
6 rules of this district

7 If a party fails to file papers in opposition to a motion, such failure may be
8 considered by the court as an admission that the motion has merit.

9 LCR 7(b)(2). The Court does find that Plaintiff’s failure to respond to Defendant’s motion
10 constitutes an admission that the motion is meritorious. Accordingly,

11 IT IS ORDERED that Defendant’s motion for summary judgment is GRANTED, and
12 Plaintiff’s case is DISMISSED with prejudice.

13 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

14 Dated this 23rd day of September, 2013.

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17 Marsha J. Pechman
18 United States District Judge
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